

EXHIBIT 4

Remuszka, Juliana

From: 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>
Sent: Friday, April 19, 2019 6:02 PM
To: MDL 2804
Subject: FW: EXTERNAL-Re: PEC's Motion to Compel SOMS Audit Reports.

From: David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>
Sent: Friday, April 19, 2019 9:56:51 PM
To: Weinberger, Peter H.
Cc: Gay, Josh; 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com'; 2804 Discovery, MDL; Farrell, Paul; Fuller, Mike; Evan .Janush; Irpino, Anthony
Subject: EXTERNAL-Re: PEC's Motion to Compel SOMS Audit Reports.

We will address this next Wednesday at the discovery hearing, but I will state the following now:

- Cardinal needs to explain **by noon tomorrow Saturday** why they have not produced the Dendrite Audit document that was the subject of DR 14-5.
- It is not sufficient for a defendant to state "we are not Cardinal and our documents are not the Dendrite Audit document discussed in DR 14-5." Even if the question of privilege is a fact-intensive inquiry, I have made clear which facts are relevant and how I view them; and the Court has adopted and approved that analysis. Each defendant must must apply fully the precepts set out in DR 14-5 to their own circumstances and to their own documents. If it later proves that defendants drew "too-fine" distinctions as a basis not to follow the spirit and direction set out in DR 14-5 (and the Court's earlier statements on the issue), or not to produce substantially similar documents, I assure you that the Court will be even less patient than I. Put differently: all defendants were looking to my analysis of the Cardinal Dendrite Audit as a ***bellwether evidentiary ruling***, and they must now apply it and adhere to it accordingly.

=====

This email sent from:
David R. Cohen Co. LPA
24400 Chagrin Blvd., Suite 300
Cleveland, OH 44122
216-831-0001 tel
866-357-3535 fax
www.SpecialMaster.law

From: Peter H. Weinberger <PWeinberger@spanglaw.com>
Sent: Friday, April 19, 2019 11:55 AM
To: David R. Cohen (David@SpecialMaster.Law)
Cc: Josh Gay; 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com'; MRopioidserve; Paul Farrell; Mike Fuller; Evan

M. Janush; Anthony Irpino

Subject: PEC's Motion to Compel SOMS Audit Reports.

SM Cohen:

On Tuesday, as a result of the Court's affirming DR 14 part 5, I sent an email to all defendants to provide plaintiffs with copies of all SOMS audit reports including those that have been withheld by the defendants as privileged. I set a deadline of Thursday 4/18. The email is in this chain. No defendants have responded, except Teva's counsel sent an email to which I responded which is also in this chain.

Plaintiffs request that you set this for immediate hearing. We ask that you compel production of these documents. These SOMS audit reports are critical to our case and should be made available to our SOMS experts prior to their depositions.

Pete

From: Peter H. Weinberger

Sent: Thursday, April 18, 2019 2:19 PM

To: Edelman, Sagiv Y.

Cc: MaraCusker.gonzalez@dechert.com; Mark.Cheffo@dechert.com; kaspar.stoffelmayr@bartlitbeck.com; emanigi@wc.com; mlynch@cov.com; ghobart@wc.com; Shannon McClure; Hillyer, Rebecca J.; Reed, Steven A.; Jacobs, Evan K.; 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com'; MRopioidserve

Subject: RE: NOTICE TO ALL DEFENDANTS RE:SOMS AUDIT REPORTS NOT PREVIOUSLY PRODUCED OR WITHHELD AS PRIVILEGED.

Sagiv –

Thank you for your email response. Let me be crystal clear. Within the last 6 months, Judge Polster on several occasions expressed his concerns about the parties over-designating privileged documents. You now have clarity regarding what the “fact-intensive inquiry” you and all defense counsel must undertake to determine if you have a reasonable and supportable basis to assert a privilege with respect to SOMs audits and other SOMS related documents. Judge Polster's order affirming SM Cohen's ruling sets forth the standards which you are obligated to apply. If you don't produce the documents or give us some explanation how you have applied these standards but nonetheless stand by the privilege, I can assure you that we will file a motion to compel and seek sanctions.

Pete

From: Edelman, Sagiv Y. [mailto:sagiv.edelman@morganlewis.com]

Sent: Thursday, April 18, 2019 1:16 PM

To: Peter H. Weinberger

Cc: MaraCusker.gonzalez@dechert.com; Mark.Cheffo@dechert.com; kaspar.stoffelmayr@bartlitbeck.com; emanigi@wc.com; mlynch@cov.com; ghobart@wc.com; Shannon McClure; Hillyer, Rebecca J.; Reed, Steven A.; Jacobs, Evan K.

Subject: RE: NOTICE TO ALL DEFENDANTS RE:SOMS AUDIT REPORTS NOT PREVIOUSLY PRODUCED OR WITHHELD AS PRIVILEGED.

Pete,

We disagree with your interpretation of Judge Polster's order concerning the SOMs audit that Dendrite prepared for Cardinal. As that order makes clear, “determining whether a privilege exists is a fact-intensive inquiry.” The order did not mention any other defendant and did not include any references to SOMs generally. Therefore, there is no basis to construe this order as applying to any defendant other than Cardinal. Indeed, such an interpretation would eviscerate the “fact-intensive inquiry” that Judge Polster himself explained governs these questions.

We see no reason to deviate from the normal meet-and-confer process in this circumstance. Should Plaintiffs have any concerns with the documents that the Teva Defendants are withholding as privileged, Plaintiffs may raise those specific concerns with us. As always, we remain available to meet and confer. Thank you.

Best,
Sagiv

Sagiv Y. Edelman

Morgan, Lewis & Bockius LLP

200 South Biscayne Boulevard, Suite 5300 | Miami, FL 33131-2339

Direct: +1.305.415.3336 | Main: +1.305.415.3000 | Fax: +1.305.415.3001

sagiv.edelman@morganlewis.com | www.morganlewis.com

Assistant: Angela Winter | Direct: 1+305.415.3332 | angela.winter@morganlewis.com

From: Peter H. Weinberger <PWeinberger@spanglaw.com>

Date: Tuesday, Apr 16, 2019, 3:48 PM

To: 'xALLDEFENDANTS-MDL2804-Service@arnoldporter.com' <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>, Cusker Gonzalez, Mara (MaraCusker.gonzalez@dechert.com) <MaraCusker.gonzalez@dechert.com>, Mark.Cheffo@dechert.com <Mark.Cheffo@dechert.com>, kaspar.stoffelmayer@bartlitbeck.com <kaspar.stoffelmayer@bartlitbeck.com>, emanigi@wc.com <emanigi@wc.com>, mlynch@cov.com <mlynch@cov.com>, ghobart@wc.com <ghobart@wc.com>, Shannon McClure <smcclure@reedsmith.com>

Cc: MRopioidserve <MDL2804discovery@motleyrice.com>

Subject: NOTICE TO ALL DEFENDANTS RE:SOMS AUDIT REPORTS NOT PREVIOUSLY PRODUCED OR WITHHELD AS PRIVILEGED.

[EXTERNAL EMAIL]

TO ALL DEFENDANTS:

Today, Judge Polster affirmed Discovery Ruling no. 14 part 5. Specifically, he ordered Cardinal to analyze its documents to apply the analysis of SM Cohen in determining which of these documents should be produced. It gives notice that “the court will apply the reasoning of the Discovery Ruling to all of Cardinal’s assertions of privilege over documents relating to SOMs and directing Cardinal to do the same”.

Notice is hereby given to you to produce to plaintiffs previously withheld documents involving SOMs audits either done internally or by third party vendors. We expect the documents to be produced by COB on Thursday 4/18/19. Please do not bury these documents in other productions. Rather, please describe with particularity the documents produced and/or reference them by bates numbers and/or previous designations in privileged logs.

Non-compliance will cause us to file motions to compel with a request for sanctions.

Pete

Peter H. Weinberger

Spangenberg Shibley & Liber LLP

1001 Lakeside Avenue East, Suite 1700

Cleveland, Ohio 44114

216-696-3232 Office

216-407-5033 Cell

216-696-3924 Fax

PWeinberger@spanglaw.com | https://urldefense.proofpoint.com/v2/url?u=http-3A__www.spanglaw.com&d=DwIGaQ&c=wbMekZ1iboz3wtX3IILi8YgCUSSh7g3G58syakvKORs&r=amd3ez_JqPLN9E0ptHJHtjn_p_12IYVmMMsZMNvpU65o&m=xAAAd7X6malxBCG3FZISxDdbCEMA884w_jofrU0kCOj8&s=8mRimSmrD15w3BdLXVkWbUf_KTtnKNg4nojWQFqUIoPk&e=<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.spanglaw.com&d=DwIGaQ&c=wbMekZ1iboz3wtX3IILi8YgCUSSh7g3G58syakvKORs&r=amd3ez_JqPLN9E0ptHJHtjn_p_12IYVmMMsZMNvpU65o&m=xAAAd7X6malxBCG3FZISxDdbCEMA884w_jofrU0kCOj8&s=qIvA9GOMfltt3-ffiNDxFFtPU_ZHTyGti40nsvDQryw&e=>

[Spangenberg Shibley & Liber] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.spanglaw.com&d=DwIGaQ&c=wbMekZ1iboz3wtX3IILi8YgCUSSh7g3G58syakvKORs&r=amd3ez_JqPLN9E0ptHJHtjn_p_12IYVmMMsZMNvpU65o&m=xAAAd7X6malxBCG3FZISxDdbCEMA884w_jofrU0kCOj8&s=qIvA9GOMfltt3-ffiNDxFFtPU_ZHTyGti40nsvDQryw&e=>>

CONFIDENTIALITY NOTICE: The information in this e-mail, including any attachments, is for the sole use of the intended recipient(s), and may contain confidential and legally privileged communications. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this communication is strictly prohibited and may be unlawful, and could subject the unlawful user to civil and criminal penalties. Any unintended receipt should be reported to this sender immediately and all copies returned, deleted, and destroyed. TO OUR CLIENTS: Any dissemination of this communication to third-parties may be a waiver of the attorney-client privilege.

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:

https://urldefense.proofpoint.com/v2/url?u=http-3A__www.arnoldporter.com&d=DwIGaQ&c=wbMekZ1iboz3wtX3IILi8YgCUSSh7g3G58syakvKORs&r=amd3ez_JqPLN9E0ptHJHtjnp_12IYVmMMsZMNvpU65o&m=xAAAd7X6malxBCG3FZISxDdbCEMA884w_jofrU0kCOj8&s=-1VmAnxfXxiitco4rRJtwO7jKO51PVyRvjBC18IR8oE&e=

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

Peter H. Weinberger

Spangenberg Shibley & Liber LLP

1001 Lakeside Avenue East, Suite 1700

Cleveland, Ohio 44114

216-696-3232 Office

216-407-5033 Cell

216-696-3924 Fax

PWeinberger@spanglaw.com | www.spanglaw.com



CONFIDENTIALITY NOTICE: The information in this e-mail, including any attachments, is for the sole use of the intended recipient(s), and may contain confidential and legally privileged communications. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this communication is strictly prohibited and may be unlawful, and could subject the unlawful user to civil and criminal penalties. Any unintended receipt should be reported to this sender immediately and all copies returned, deleted, and destroyed. TO OUR CLIENTS: Any dissemination of this communication to third-parties may be a waiver of the attorney-client privilege.

You're receiving this message because you're a member of the MDL 2804 group from Motley Rice, LLC. To take part in this conversation, reply all to this message.

[View group files](#) | [Leave group](#) | [Learn more about Office 365 Groups](#)

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.